

JUL 25 1991

Ms. Linda C. Foulks  
Legal Assistant  
Provizer, Lichtenstein, Pearlman & Phillips, P.C.  
4000 Town Center, 18th Floor  
Southfield, Michigan 48075

Re: Freedom of Information Act Request Dated June 26, 1991  
Concerning the Dayco Corp./L.E. Carpenter Co. Superfund Site  
Control Number: (2) RIN-1737-91

Dear Ms. Foulks:

This letter is in response to the above-referenced Freedom of Information Act request concerning the Dayco Corp./L.E. Carpenter Co. Superfund Site in Wharton Borough, New Jersey. Your letter inquired about the extent of the U. S. Environmental Protection Agency's involvement with respect to the site. In addition, your letter expressed an interest in obtaining documents about the site which fall within the following categories:

1. Correspondence between the U. S. Environmental Protection Agency (EPA) and Dayco Corporation
2. A list of Potentially Responsible Parties identified by EPA
3. Documents regarding actions taken by EPA at the site

In response to your inquiry about EPA's involvement with respect to the site, the site has been designated as a "State Enforcement Lead" site by EPA and by the New Jersey Department of Environmental Protection (NJDEP). In addition, L.E. Carpenter & Company has entered into an Administrative Consent Order (ACO) with NJDEP for response actions at the site. These circumstances are reflected in the Superfund National Priorities List (NPL) (see 40 CFR Part 300, Appendix B) which designates the site in response categories V (Voluntary Response) and S (State Enforcement Lead). Because of the site's State Enforcement Lead status, EPA's involvement with the site has been relatively limited. EPA has not funded any response actions for the site and has had little direct contact with Dayco Corporation or its subsidiary, L.E. Carpenter & Company. However, EPA has obtained copies of reports prepared pursuant to the ACO, has reviewed them and has advised NJDEP of its comments. NJDEP has authority under the ACO to approve or disapprove these reports. Although NJDEP has had a greater role than EPA for the site, the inclusion of the site on the NPL was an EPA action, as must be (under the current Superfund law) the deletion of the site from the NPL when the cleanup is complete.

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In regard to your request for documents please be advised that I have conducted a review of EPA's files and found the following:

1. I have located no correspondence between EPA and Dayco Corporation. However, there is some EPA correspondence with L.E. Carpenter & Company and with representatives of Dayco Corporation and/or L.E. Carpenter & Company. Based on our July 25 telephone conversation, I am enclosing copies of these documents. As discussed with you, most of the correspondence in EPA's possession from Dayco Corporation, L.E. Carpenter & Company or their representatives is addressed to NJDEP. I have not considered this correspondence to be within the scope of your request.
2. For this site, EPA has not issued any general notice or special notice letters. Therefore, there is no list of Potentially Responsible Parties identified by EPA.
3. I have enclosed copies of two Potential Hazardous Site Investigation reports and a copy of the NPL hazard ranking system package for the site. EPA has not conducted a remedial investigation or a feasibility study at the site nor has it issued a record of decision.

There is no charge for the enclosed records.

Should you require any further information regarding the Dayco Corp./L.E. Carpenter Co. Superfund Site, feel free to contact me at (212) 264-8098.

Sincerely yours,

Jonathan Josephs, Project Manager  
New Jersey Superfund Branch II  
Emergency and Remedial Response Division

Enclosures

bcc: OEP

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OF COUNSEL  
PETER M. COOPER  
HOWARD NATHANS

June 26, 1991

Freedom of Information Act Officer  
U.S. Environmental Protection  
Agency, Region II  
26 Federal Plaza, Room 900  
New York, NY 10278

Re: Freedom of Information Act Request  
Dayco Corp./L.E. Carpenter Co.  
Our File No. 8211

Dear Sir/Madam:

I am interested in obtaining information pursuant to the Freedom of Information Act, 5 U.S.C. Section 552 (1980); U.S. EPA's regulations, 40 C.F.R. Part 2, and any other statutes, rules or regulations entitling me to the information requested. I understand that your agency will provide me with a written response to this request within ten (10) work days.

I am interested in knowing the extent of your agency involvement with respect to the Dayco Corp./L.E. Carpenter Co. site, located in Wharton Borough, New Jersey.

I am interested in obtaining any and all correspondence, information request letter, Potentially Responsible Party (PRP) letter, General Notice letter and Special Notice letter that may have transpire between your agency and Dayco Corporation.

Also, I am interested in obtaining a list of all persons who have been identified by your agency as "Potentially Responsible Parties" (PRPs) with respect to the Dayco Corp./L.E. Carpenter co. site under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

I am interested in obtaining documents regarding your agency actions taken at the Dayco Co./L.E. Carpenter Co. site, including, but not limited to site assessments, remedial investigation/feasibility study or the Record of Decision.

We will be pleased to reimburse you for the reasonable costs and expense which may be incurred with respect to this request.

PROVIZER, LICHTENSTEIN, PEARLMAN & PHILLIPS, P.C.

Thank you for your cooperation. If you have any questions regarding this request, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script, reading "Linda C. Foulks".

Linda C. Foulks  
Legal Assistant

LCF/af